

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

|  |   |                               |
|--|---|-------------------------------|
| <b>PENNY WOODRUFF,</b>                 | ) |                               |
|  | ) |                               |
| <b>Plaintiff,</b>                      | ) |                               |
|  | ) |                               |
| <b>v.</b>                              | ) | <b>Case No. CIV-06-011-WH</b> |
|  | ) |                               |
| <b>JO ANNE B. BARNHART,</b>            | ) |                               |
| <b>Commissioner of Social Security</b> | ) |                               |
| <b>Administration,</b>                 | ) |                               |
|  | ) |                               |
| <b>Defendant.</b>                      | ) |                               |

**ORDER**

Before the Court is the unopposed motion of the defendant to remand pursuant to sentence six of the Social Security Act. A district court is authorized to remand a case to the agency under either sentence four or sentence six of 42 U.S.C. §405(g). A sentence-four remand is a remand after passing on the merits; a sentence-six remand does not pass on the merits, but is a remand to take account of new evidence of for other good cause. *See Tower v. Barnhart*, 2004 WL 309337 (10<sup>th</sup> Cir.).

In the case at bar, the government asserts that the tape recording of the administrative hearing is partially inaudible, and thus remand is necessary. In a sentence-six remand, the district court does not enter final judgment because the district court retains jurisdiction. *See Krishnan v. Barnhart*, 328 F.3d 685, 691 (D.C.Cir.2003). Accordingly, only an Order will be entered.

It is the Order of the Court that the unopposed motion to remand (#5) is hereby GRANTED. This action is remanded to the Commissioner pursuant to sentence six of the Social Security Act.

**ORDERED THIS 1<sup>ST</sup> DAY OF MARCH, 2006.**

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma